

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FERDINAND REYNOLDS,	)	
	)	
Plaintiff,	)	No. C 10-05917 CRB (PR)
	)	
vs.	)	ORDER OF DISMISSAL
	)	
ARTHUR F. MAJOR, et al.,	)	
	)	
Defendants.	)	
	)	
_____	)	

Plaintiff, a California prisoner currently incarcerated at Salinas Valley State Prison (SVSP), filed the instant pro se civil rights action under 42 U.S.C. § 1983 alleging various violations of his federal rights. On April 27, 2011, the Court (Fogel, J.) dismissed the complaint with partial leave to amend to allege a retaliation claim against Defendant L. Stepp, if possible. The Court made clear that failure to amend within 30 days would result in "the dismissal without prejudice of this action without further notice to Plaintiff." Docket #7 at 7.

Plaintiff was thereafter granted two extensions of time to file an amended complaint, the last deadline being August 10, 2011. But rather than file an amended complaint by August 10, 2011, Plaintiff filed a letter on August 5, 2011 alleging that during a review of his legal property he had discovered that prison officials had destroyed

1 some of his documents, including several eyewitness declarations regarding the incidents  
2 which are the subject of this action. In the interest of justice, Plaintiff was granted a final  
3 extension of time to November 8, 2011 to file an amended complaint. Docket #13.

4 Plaintiff's final deadline has passed and he still has not filed an amended  
5 complaint. Nor has he sought a further extension of time, let alone shown good cause for  
6 one. Rather, he has filed a declaration in which he again states that prison officials  
7 destroyed several eyewitness declarations regarding the incidents which are the subject of  
8 this action. Docket #14. Plaintiff's action is DISMISSED without prejudice.

9 The clerk is instructed to enter judgment in accordance with this order and to close  
10 the file.

11 ORDERED.

12 DATED: Nov. 15, 2011

  
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CHARLES R. BREYER  
United States District Judge